IN THE UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

DAVID B. KELLER and :

Plaintiffs,

-VS-

: Civil Action No.

ROBERT A SIRRIDGE, NATIONAL CARRIER : JOHN DOES I-XX, XYZ CORPORATION

I-XX and RON ROE I-XX

FLORENCE KELLER

: JURY TRIAL DEMANDED

Defendants

_____:

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY:

Defendants, Robert A. Sirridge and National Carriers, Inc. (improperly named as National Carriers), by and through their attorneys, Rawle & Henderson LLP, respectfully aver as follows:

- 1. At all materials times, plaintiffs, David B. Keller and his wife Florence Keller, were and are citizens of the State of New Jersey, and currently reside in Trenton, County of Mercer, New Jersey. (See Amended Complaint attached hereto as Exhibit "A")
- 2. At all material times, Defendant, National Carriers, Inc. was and is a corporation incorporated under the laws of the State of Kansas and maintains its principal place of business in Liberal, Kansas.
- 3. Defendant, Robert A. Sirridge, was and is a citizen and resident of the State of Kansas.

- 4. Plaintiff commenced this civil action against Defendants in the Superior Court of New Jersey, Law Division, Mercer County by Complaint filed on or about December 4, 2017. On December 11, 2017 an amended complaint was filed. Defendant Sirridge was served with Plaintiff's Complaint on or about December 16, 2014. (A copy of the proof of service is attached hereto and made part hereto as Exhibit "B") Upon information and belief, National Carriers, Inc. was served the Complaint and then the amended Complaint on December 18, 2017 and December 20, 2017 respectively. (See attached proof of service attached collectively as Exhibit "C") Therefore, this Notice of Removal to Federal Court is timely filed.
 - 5. Plaintiff alleges the following in his Amended Complaint:

As a result, Plaintiff, David Keller sustained severe external and internal inquiries of a permanent and disabling nature, suffered great pain, was prevented from attending to his usual affairs and occupation, incurred expenses for medical and hospital care.

(See Exhibit "A," First Count, Paragraph 3).

- 6. Based upon a fair reading of the Complaint, Plaintiffs have set forth claim in which the amount in excess of the jurisdictional limit of \$75,000.00, exclusive of interest and costs, may be at stake.
- 7. Diversity of citizenship within the meaning of 28 U.S.C. §1332 exists between Plaintiff and Defendants as no defendant is a citizen of New Jersey. See paragraphs 1 through 6 above.
- 8. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that Defendant is entitled to removal pursuant to 28 U.S.C. §1441 as amended, and 28 U.S.C. §1446.

WHEREFORE, Defendant, Robert A. Sirridge and National Carriers, Inc. (improperly named as National Carriers), prays that the above captioned action now pending in the Superior

Court of New Jersey, Law Division, Mercer County, be removed therefrom to this Honorable Court.

RAWLE & HENDERSON LLP

By:

Delia A. Clark Attorneys for Defendants, Robert Sirridge and National Carriers, Inc. 40 Lake Center Executive Park, Suite 200 401 Route 73 North Marlton, New Jersey 08053 856-596-4800

Dated: January 16, 2018

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2018 a copy of Defendants Notice of Removal and 7.1 Disclosure Statement was served via facsimile and first-class mail, postage prepaid, on the following:

Michael W. Krutman Law Office of Michael Krutman 2525 Nottingham Way Hamilton, NJ 08619

RAWLE & HENDERSON, LLP

Delia A. Clark Attorney for Defendants